

Subpart 101-41.4—Standards for the Payment of Charges for Transportation Services Furnished for the Account of the United States

§ 101-41.400 Scope and applicability of subpart.

The regulations in this subpart set forth standards for the payment of charges for the transportation of persons or property for or on behalf of the United States.

§ 101-41.401 Payment of transportation bills.

(a) Unless GSA's Office of Transportation Audits determines that a prepayment audit is necessary under 41 CFR 101-41.103(i), each agency or department shall pay any properly documented bill (claim) for freight passenger transportation charges that is not excepted by the provisions of § 101-41.604-2.

(b) Each military disbursing office and civilian paying office shall ensure during its administrative examination of carriers' bills that the Standard Carrier Alpha Code (SCAC) identifier is entered on each Standard Form 1113, Public Voucher for Transportation Charges, and SF 1113-A, Memorandum Copy. If the code is omitted, the forms and all supporting papers shall be returned to the carrier unpaid with a request that the SCAC be added to the forms.

(c) Provisions of Public Law 77-560, 56 Stat. 306 (31 U.S.C. 3322, 3528) relieve certifying and disbursing officers of liability for overpayments made for transportation furnished for the account of the United States on GBL's and GTR's when such overpayments are due to the use of improper transportation rates or classifications or to the failure to deduct proper amounts under agreements. However, agencies are not relieved of responsibility for:

(1) Making an administrative determination that the transportation services for which payment is claimed were duly authorized, that such services represent a legal obligation under the appropriation or fund involved, that the carrier's bill is complete and supported

with required documentation, and that all extensions and computations of charges are correct; and

(2) Establishing procedures and controls to prevent duplicate payments, to recover any duplicate payments that may be made, and to perform an annual review of the effectiveness of those procedures.

(3) Providing the carrier with notice of an apparent error, defect, or impropriety within 15 days of receipt of an invoice.

(d) Carrier bills deemed proper for payment as set forth in the foregoing paragraph shall be paid upon presentation and before confirmation of service satisfactorily performed, provided:

(1) For freight transportation (other than that excepted under § 101-41.312 of this part), the "Certificate of Carrier Billing" on the GBL has been properly executed by the carrier; and

(2) For passenger transportation, the proper ticket, coupon, or equivalent document covering the involved service has been furnished by the carrier in exchange for the GTR.

(e) For the purposes of determining whether interest penalties under the Prompt Payment Act, 31 U.S.C. 1801, are due, the date on which payment is due is 30 days after receipt of a proper carrier bill or claim.

(31 U.S.C. 952, 31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[46 FR 42665, Aug. 24, 1981, as amended at 48 FR 27725, June 17, 1983; 48 FR 35650, Aug. 5, 1983; 50 FR 30709, July 29, 1985; 53 FR 25166, July 5, 1988]

§ 101-41.402 Payment prior to Government confirmation of satisfactory service.

§ 101-41.402-1 Joint standards for advance payment of charges for transportation services.

Standards issued jointly by the Comptroller General of the United States and the Secretary of the Treasury (4 CFR part 56) under the authority of 31 U.S.C. 3726(c) prescribe the payment of carrier or forwarder charges for transportation services in advance

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of completion of service subject to limitations prescribed by the Administrator of General Services or his designee: *Provided*, the carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved. The joint standards also place responsibility upon each agency that adopts procedures for the payment of charges for transportation services prior to Government confirmation of the satisfactory completion of such services to ensure that advance payments are not made to:

(a) An assignee bank or financial institution under the authority of 31 U.S.C. 3727 and 41 U.S.C. 15;

(b) Payees who are in bankruptcy proceedings or are subject to the control of a receiver, trustee, or other similar representative;

(c) Payees who consistently fail to refund overcharges without assertion of substantial defense or other valid reasons when notified by GSA or any other interested Government agency;

(d) Payees who without good cause fail to make timely disposition or settlement of loss or damage or other claims asserted by agencies of the United States;

(e) Payees owing substantial sums of money to the United States for which no adequate arrangements for settlement have been made;

(f) Payees in such bad financial condition as to justify a determination that the Government's best interests require consideration of special payment rules for their account;

(g) Payees who do business with the United States infrequently and who previously have not been administratively approved for payment upon presentation of bills; or

(h) Any other person or business organization determined administratively for valid reasons to be ineligible for payment, unless, after review of the facts and in the absence of objection by the U.S. General Accounting Office, it is determined administratively that the best interests of the United States

will not be jeopardized by such payment.

(31 U.S.C. 952, 31 U.S.C. 3726; 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977, as amended at 46 FR 42666, Aug. 24, 1981; 48 FR 27725, June 17, 1983]

§ 101-41.402-2 Limitations on advance payment of charges for transportation services.

The payment of charges in advance of completion of service is authorized for:

(a) Passenger transportation services procured through the use of cash as set forth in § 101-41.203-2; and

(b) Freight transportation services procured through the use of commercial forms and procedures as set forth in § 101-41-304-2.

(31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977, as amended at 48 FR 35650, Aug. 5, 1983]

Subpart 101-41.5—Claims by the United States Relating to Transportation Services

§ 101-41.500 Scope and applicability of subpart.

This subpart sets forth procedures applicable to the assertion of claims by the United States that arise out of freight and passenger transportation services furnished for the account of the United States, the consideration and disposition of protests thereto, the collection of claims by administrative offset and by other means, the imposition of interest, penalties, and the disposition of amounts collected.

[50 FR 49847, Dec. 5, 1985]

§ 101-41.501 Definitions.

(a) The term *overcharges* as used herein means charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with Federal or State transportation regulatory agencies, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 10721 of the Revised Interstate Commerce Act, as amended (49 U.S.C. 10721), or other equivalent